IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 56 of 2004

Between:

M/s. K.C.Pullaiah, Managing Partner, K.C.P. Builders, Contractor,
H.No.3/308, YMR Colony, Proddutur-516360, Kadapa District,

Andhra Pradesh.

..... PETITIONER

AND

1 The Executive Officer,

Sri Brahmaramba Mallikharjuna Swamy Devasthanam, Srisailam,

Kurnool District.
2 The Regional Vigilence and Enforcement Officer, Kurnool, A.P.
3 The Commercial Tax Officer, [FAC], Nandyal, Kurnool District, A.P.
4 The Commercial Tax Officer, Proddutur, Kadapa District, A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus declaring the impugned notice dated 16.12.2003 issued by the First Respondent in R.C.No.E2/5154/2002 as Ex-facie illegal, unjustified and contrary to the provisions of law.

Counsel for the Petitioner: MR.T.RAMAM

Counsel for the Respondent No.1: MR. S.KRISHNA MURTHY

Counsel for the Respondent Nos.2 to 4: MR. K. RAJI REDDY (SPL. GOVERNMENT PLEADER FOR TAXES)

The Court made the following :

ORDER: (Per Hon'ble BRSR,J)

The cause of action in this writ petition practically does not survive requiring any further adjudication as such in view of the submission made on behalf of the 1st respondent-Devasthanam, that the Devasthanam is willing to return the amount, which it had already collected, provided an application is made by the petitioner in this regard.

In view of the statement, we leave it open to the petitioner to make an appropriate application before the 1st respondent, which shall duly be taken into consideration and an appropriate order thereon shall be passed, within a period of two weeks from the date of filing of such an application.

The writ petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J

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T.CH.SURYA RAO ,J

22nd day of November, 2004.

Note: Issue C.C by day after tomorrow.

B/o.

Vs/Msv

To

1 The Executive Officer,

Sri Brahmaramba Mallikharjuna Swamy Devasthnam, Srisailam,

Kurnool District.
2 The Regional Vigilence and Enforcement Officer, Kurnool, A.P.
3 The Commercial Tax Officer, [FAC], Nandyal, Kurnool District, A.P.
4 The Commercial Tax Officer, Proddutur, Kadapa District, A.P.

5 2CD copies.

6 2 CCs to the Special Government Pleader for Taxes, High Court Buildings, Hyderabad(O.U.T).